

347—218.106(91D) Authority to hire or fire. Rule 218.1(91D) requires that an exempt executive employee have the authority to hire or fire other employees or that the exempt executive employee's suggestions and recommendations as to hiring or firing and as to advancement and promotion or any other change of status of the employees whom the executive supervises will be given particular weight. Thus, no employee, whether high or low in the hierarchy of management, can be considered as employed in a bona fide executive capacity unless the executive is directly concerned either with the hiring or the firing and other change of status of the employees under the executive's supervision, whether by direct action or by recommendation to those to whom the hiring and firing functions are delegated.

SOURCE: 29 CFR 541.106.